

EXHIBIT 78

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

IN RE:
NIASPAN ANTITRUST LITIGATION

MDL 2460

Master Case No. 2:13-md-2460

THIS DOCUMENT RELATES TO:
ALL ACTIONS

**DECLARATION OF NON-PARTY
EXPRESS SCRIPTS, INC.**

I, Tom Henry, declare as follows:

1. My name is Tom Henry. I am the VP of Knowledge Solutions and Chief Data Officer for Express Scripts. I have personal knowledge based on my work and experience at Express Scripts and its predecessor companies for 13 years.

2. Express Scripts, Inc. offers pharmacy benefit management, or PBM, services its Clients, which include managed care organizations, health insurers, third-party administrators, employers, union-sponsored benefit plans, workers' compensation plans, government health programs, providers, clinics, hospitals and others (collectively referenced herein as "Clients"). The company also contracts to create national networks of retail pharmacies. As of 2018, Express Scripts has more than 70,000 retail pharmacies participating in one or more of its networks.

3. As a PBM, Express Scripts offers numerous services to its clients, including retail pharmacy claims adjudication, pharmacy network management, formulary management, and drug utilization management.

4. Express Scripts provides online claims adjudication services for its Clients for prescriptions dispensed by a pharmacy. Such services include: (i) verifying eligibility; (ii) performing drug utilization review; (iii) implementing a Clients' benefit design; (iv) enabling pharmacies and physicians to verify eligibility, formulary, utilization history, and benefit design; and (v) adjudicating the claims.


5. Express Scripts maintains records of claims that can be provided to its Clients, although certain additional fees, costs, or expenses may be associated with this service. The data typically includes the total amount paid by the Client's individual member (i.e., the applicable co-pay, and other aspect that are dependent on the plan design elements) as well as the total amount paid by the Client for each prescription transaction. In addition, the data typically includes the following data fields:

- a. NCPDP
- b. Pharmacy Name
- c. Prescription Number
- d. Fill Date
- e. Dispensed Quantity
- f. Days Supply
- g. Copay Amount
- h. Client Paid Amount
- i. NDC
- j. Drug Label Name
- k. DEA Schedule ID
- l. Client Name
- m. Client ID
- n. Member ID
- o. Member DOB
- p. Member First Name
- q. Member Last Name
- r. Member Address
- s. Member City
- t. Member State
- u. Member Zip
- v. Prescriber ID

- w. Prescriber First Name
- x. Prescriber Last Name
- y. Prescriber Address
- z. Prescriber City
- aa. Prescriber State
- bb. Prescriber Zip

6. Express Scripts' PBM Business provides prescription benefit management services for its Clients – the PBM Business is not a retail pharmacy or an insurance company. My understanding is that Express Scripts does not consider its PBM Business to be an end-payor, insurer, or reseller of prescription drug products.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, and that this declaration was executed on this 28th day of March, 2018 SLR
2018.



Tom Henry
Representative of Express Scripts, Inc.